

formal rulemaking procedure in place, but instead DOI had instituted an informal set of procedural guidelines. Coleman provided these guidelines to Corcoran in the form of the Checklist (discussed above at Section II.B.1.b.).<sup>182</sup> Corcoran, in turn, forwarded the guidelines to Lewis Taylor, Howard Bichler, Larry Kitto, and John McCarthy on Feb. 14, explaining that it would be useful in developing their strategy to oppose the Hudson proposal.

On Feb. 20, Kitto sent Taylor, Bichler and Corcoran a memo elaborating on the Feb. 8 meeting with the Minnesota congressional delegation and laying out a strategy of action items to be pursued by the opponents. Regarding the Feb. 8 meeting, Kitto wrote: "It was generally concluded by those in attendance that the Department of the Interior has changed its position on the status of the application process from 'this is a done deal' to 'a decision has not been made, we are still reviewing the application'." Kitto presented "action items" with the backdrop that "the reality of the situation is that this issue will probably be decided 'politically' rather than on the merits." Included in these items were: (1) plans to communicate with Secretary Babbitt both directly and through his Chief of Staff Tom Collier, who is "reported to be more political than Duffy;"<sup>183</sup> (2) plans to communicate directly with the White House, as well as indirectly through the DNC and DSCC; (3) an effort to get the Wisconsin congressional delegation to sign a joint letter in opposition to the Hudson proposal; and (4) an effort to mobilize other Wisconsin tribes

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<sup>182</sup>According to Corcoran's time records, he contacted Coleman approximately four times during the period from approximately February through March 1995, while Corcoran and his firm represented the St. Croix in opposing the Hudson application. Coleman, however, did not recall the nature of the contacts.

<sup>183</sup>McCarthy recalls discussions with the lobbyists (including Ducheneaux and Kitto) about which individuals at Interior were "technical" versus "political," and learning that both Duffy and Collier were viewed "more on the political side." McCarthy G.J. Test., Feb. 24, 1999, at 77-78.